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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/427,149

Applicant(s)

WARD, RICHARD E.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to communications received on 06/10/03. Claims 1, 14, 15, 26, 30, 31, 35, 38, 54-56, and 68 have been amended. Claims 71-77 have been added. Claims 1-77 are now pending in this application.

Response to Amendment

2. Examiner acknowledges the amendments made to claims 1, 14, 15, 26, 30, 31, 35, 38, 54-56, and 68.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-13, 15, 21-39, 41-48, 51-53, 55, 61-68, and 71-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Macrae et al. (U.S. 5,826,237).

4. As per claim 1, Macrae et al. teaches a method for automatically generating a service plan and associated work flow for a customer using a computer based network comprising the steps of:

Creating a plurality of structured sentences for each of a plurality of specific needs of a particular customer in an electronic storage area, said plurality of structured sentences including structured sentences for services, each structured sentence for service identifying a needed service corresponding to one of the specific customer needs (See Figures 2 and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35,

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column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40. Macrae et al.

discloses creating a plurality of structured sentences that encompass the needs of a particular customer, each structured sentence being able to merge with the other structured sentences.

These implementable plans are formed and customized in the display window. Order nodes that represent "order items" that define a list of activities that take place when the workflow of the structured sentence is implemented. As is, the structured sentence is just a defined entity on the display); and

Creating an electronic workflow adapted to assist completion of each needed service (See column 7, lines 16-19, 29-35, and 56-62, in which Macrae et al. teaches the steps of implementing the workflow. A chart view shows the status of the running created workflow. When an order node is hit, a technician or lab person must run the physical order workflow item and enter information into the system so the workflow can proceed).

5. As per claim 2, Macrae et al. further discloses a method wherein said step of creating the electronic workflow creates a workflow process instance for each needed service, such that there exists a workflow process instance associated with each structured sentence for service (See column 7, lines 29-37, in which Macrae et al. further discusses the above mentioned service folders in context with the order nodes that make up the electronic template. Each instance in the work flow process is represented by an order node and each order node represents a needed service which derives its attributes from the categorized folders described above).

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6. As per claim 3, Macrae et al. further discloses a method wherein said plurality of structured sentences have a subject and a plurality of attributes contained therein (See column 7, lines 33-37).

7. As per claim 4, Macrae et al. further discloses a method wherein certain of the attributes associated with the structured sentences for services contain a selected attribute value chosen from among a group of possible attribute values (See column 10, lines 6-9, wherein Macrae et al. disclose the selected strep test, an attribute of a lab test, costing \$40).

8. As per claim 5, Macrae et al. further discloses a method wherein certain ones of said workflow process instances have at least one decision step, task firing condition, or routing rules that creates a plurality of possible sequences of tasks that are invoked as part of the execution of said workflow process instances (See, for example, Figure 2 in which Macrae et al. disclose a simplified template for work flow dealing with step throat. The result of the step test directs the continuation of the workflow along a predetermined branch, which will encounter another order node with similar capabilities. See column 13, lines 26-30, in which Macrae et al. discloses flow control nodes, which are coupled with order nodes and contain a set of routing rules).

9. As per claim 6, Macrae et al. discloses a method further including the step of modifying at least one of the structured sentence attributes, which modification also causes a change to the sequence of tasks invoked within at least one of the workflow instances (See column 7, lines 55-67, column 8, lines 1-3, and column 11, lines 15-33, and column 22, lines 50-67, wherein an attribute value is changed regarding the structured sentence to clarify based on the merging of more structured sentences to the plan).

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10. As per claim 7, Macrae et al. further discloses a method wherein selecting a different one of the possible attributes from among the group of possible attributes will result in the selection of a different one of the plurality of possible routes with respect to an associated decision step, task firing condition or routing rule (See column 32, lines 39-44, which explains the rule object node interfaces that governs the workflow. The decision made about the selection of an attribute contained in an order node determines the route followed in the workflow path).

11. As per claim 8, Macrae et al. teaches a method further including the step of electronically inputting answers to questions, and wherein the electronically input answers to questions also causes a change to the sequence of tasks invoked within the at least one of the workflow process instances (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the question “strep?” based on the lab results, this result changing the sequence of tasks invoked in the workflow instances).

12. As per claim 11, Macrae et al. further discloses a method wherein certain ones of said workflow process instances have at least one decision step, task firing condition, or routing rule that creates a plurality of possible routes contained therein, and further including the step of creating or modifying at least one of the workflow relevant data items, which modification also causes a change to the sequence of tasks invoked within at least one of the workflow process instances (See column 21, lines 8-12 and 18-21, wherein Macrae et al. disclose modifying the process instance by adding a node, deleting a node, or modifying the contents of an existing node. Since these nodes dictate the flow of the predefined service plan, their modification will cause changes in said flow).

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13. As per claim 12, Macrae et al. further discloses a method wherein certain ones of said plurality of workflow process instances have workflow relevant data contained therein (See column 7, lines 29-36, wherein Macrae et al. discuss the order items contained in the process instance of order nodes. Order item data may include attributes such as category, name, description, cost, etc.).

14. As per claim 13, Macrae et al. teaches a method further including the step of electronically inputting answers to questions, and wherein the electronically input answers to questions are used to create or modify workflow relevant data for certain ones of the workflow process instances (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the question "strep?" based on the lab results. The lab results are entered into the tool, this creating workflow relevant data for certain ones of the workflow process instances).

15. As per claim 15, Macrae et al. further discloses a method wherein the plan is a care plan, the customer is a patient, and the plurality of specific customer needs are health related problems to be addressed as part of the patient's care (See column 7, lines 16-19, and column 8, lines 4-22. Macrae et al. discloses a workflow care plan in the form of a medical treatment template and provides a specific Clinical Template example, teaching a simple implementable workflow for treating a patient with a sore throat).

16. As per claim 21, Macrae et al. discloses a method further including the step of creating other structured sentences, said other structured sentences including structured sentences for a goal, a fact, a protocol, and a finding (See column 8, lines 23-29, wherein Macrae et al. provides for the creation of other structured sentences that have an objective, information, a set of rules,

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and a result. See column 13, lines 29-31, which discuss the rules contained in the flow control nodes that dictate the workflow. See the abstract, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, wherein Macrae et al. discloses creating a plurality of structured sentences that encompass the needs of a particular customer, each structured sentence being able to merge with the other structured sentences).

17. As per claim 22, Macrae et al. discloses a method further including the step of initiating the workflow (See column 17, lines 27-29, which discusses assigning a workflow template to a specific patient and executing said workflow).

18. As per claim 23, Macrae et al. further discloses a method including updating status information for the service plan as workflow progresses (See column 22, lines 28-44, in which Macrae et al. discusses the situation where another service plan must be invoked for a patient while another is already running, such as the situation of a pregnant woman, who is utilizing the pregnancy template, getting a sore throat midterm and needing other services. In a case such as this, secondary templates may be called and merged with the current template).

19. As per claim 24, Macrae et al. further discloses a method wherein updates are provided to a user of the service plan in one form and updates are provided to the customer in another form (See Figures 14 and 15 and column 10, lines 37-51, wherein Macrae et al. teaches displaying updates to the user of the tool (such as a doctor), which is a summarized list of the status of the orders of the workflow. See also figure 41 and column 21, lines 44-67 and column 22, lines 1-21, which disclose translating the information of the workflow into a more readable sheet and exporting this information to an outside application).

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20. As per claim 25, Macrae et al. further discloses a method wherein the one form is directed to a clinician and the other form is directed to a nonmedical person (See column 22, lines 45-50, and column 25, lines 47-51, which explains the user interacting with the workflow updates during the merge process. In the merge example disclosed by Macrae et al. in column 22, lines 56-67, the user receiving the merge updates is Mr. Sander's doctor).

21. As per claim 26, Macrae et al. discloses a method of automatically updating a predetermined plurality of existing service plans corresponding to a respective plurality of customers, each of said service plans including a plurality of structured sentences for each of a plurality of specific needs of a particular customer, each of said service plans stored in an electronic storage area, said plurality of structured sentences including structured sentences for services, each structured sentence for service identifying a needed service corresponding to one of the specific needs of a particular customer, and an electronic workflow capable of assisting completion of each needed service (See Figures 2 and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40), the method comprising the steps of:

generating a report based upon data contained within each of the predetermined plurality of existing service plans or from data obtained from performing workflow associated with each of the predetermined plurality of existing service plans (See Figures 14 and 15 and column 10, lines 37-51, wherein Macrae et al. teaches displaying a summary of the result node content listing the status of the orders of the workflow. Further details of the specifics of each order item

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can also be displayed. See also Figure 13, which is another report of the workflow, summarizing the work orders contained in the service plan);

selecting a plurality of customers in need of one or more services (See column 17, lines 23-25, wherein Macrae et al. discloses assigning a care plan template to a patient or multiple patients in need of said template);

adding new structured sentences that are common to the predetermined plurality of existing service plans for the selected plurality of customers (See column 7, lines 54-67, and column 8, lines 1-3, in which Macrae et al. discloses creating and saving brand new care plans as well as retrieving existing care plans from a template library. The retrieved care plan can be modified and saved to the template library. See column 21, lines 8-11, which discusses adding new order structured nodes to a generic care plan to create a new, specific care plan).

Causing initiation of the revised workflow instances for each revised service plan (See column 17, lines 24-29, in which Macrae et al. discloses tailored workflows being assigned to patients and executed).

22. As per claim 27, Macrae et al. further discloses a method wherein said plurality of structured sentences have a subject and a plurality of attributes contained therein and wherein the step of adding new structured sentences includes the step of determining certain of said plurality of attributes for said new structured sentences based upon a characteristic that is common to each of said respective plurality of customers (See column 8, lines 23-29, in which Macrae et al. teaches using a generic treatment template to create a clinic template that can be used to treat all patients that are experiencing a sore throat).

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23. As per claim 28, Macrae et al. further discloses a method wherein said plurality of structured sentences have a subject and a plurality of attributes contained therein and wherein the step of adding new structured sentences includes the step of individually determining other ones of said plurality of attributes for said new structured sentences based upon another characteristic that is not common for each of said respective plurality of customers (See column 21, lines 8-11, in which Macrae et al. discusses further customizing templates based on differing needs of customers).

24. As per claim 29, Macrae et al. further discloses a method wherein the step of adding new structured sentences further includes the step of modifying certain existing structured sentences that are common to the predetermined plurality of existing service plans based upon the data (See column 19, lines 29-40, which discusses manually executing a plan so that the flow proceeds down a branch of the plan regardless of the determined data and forcing it to consider the other data's route); and

wherein the step of adding workflow instances includes the step of revising workflow instances associated with the modified certain existing structured sentences (See column 22, lines 59-67, which explains the idea of a merge. Merging order structured nodes into the plan can be occur at any point during the original plan's execution).

25. As per claim 30, Macrae et al. discloses a method for creating a service plan and an associated workflow for a customer using a computer based network comprising the steps of:
providing electronically:

a plurality of structured sentence data items for each of a plurality of possible customer needs in an electronic storage area, said plurality of structured sentence data

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items including structured sentence data items for services, each structured sentence item for service identifying a needed service corresponding to one of the possible customer needs (See Figure 12. See also column 7, lines 34-35, column 9, lines 55-70, and column 10, lines 1-10. Macrae et al. discloses a library containing hierarchical folders. For example, if the service of strep throat culture is needed by a customer, the Labs category would be opened, which contains different types of labs and their different services);

a generic electronic workflow process specification capable of assisting completion of each needed service (See column 7, lines 20-62, in which Macrae et al. teaches in depth the building of an electronic workflow);

and at least first and second templates, each of said at least first and second templates comprising a different set of certain ones of said plurality of structured sentence data items that each relate to different possible customer needs (See column 7, lines 62-67, and column 8, lines 1-3, in which Macrae et al. discusses retrieving a existing template from a template library, building a new template and saving it to said library, or retrieving and modifying an existing template similar to the current situation. The template library, therefore, contains multiple prewritten workflows);

selecting at least a first template that relates to an identified customer need (See column 7, lines 63-67, and column 8, lines 1-3, which discuss selecting a template that coincides with a treatment needed for a patient); and

selecting those structured sentence data items within the first template that relate to the specific need of a particular customer, the step of selecting those structured sentence data items also causing the selection of workflow instances adapted to assist completion of each needed

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service (See again column 7, lines 63-67, and column 8, lines 1-3, in which Macrae et al. discuss selecting the parts of a similar, existing template and modifying the template to suit the current need. When selecting the nodes in the workflow that are applicable to the situation, the user is also selecting the structure sentence data items contained therein).

26. As per claim 31, Macrae et al. further discloses a method wherein said plurality of structured sentence data items have a subject and plurality of attributes contained therein and wherein the step of selecting those structured sentence data items includes the step of determining values for a plurality of said attributes for corresponding structured sentences in the service plan for the particular customer (See column 7, lines 33-37, which describe the subject and attributes contained in the structured order nodes of the workflow. A determination concerning the value of an attribute contained in a structured order node is made, for example see column 8, lines 11-22, wherein the attribute strep test is determined to have a positive or negative value, and the route taken in the plan is based on these values when the plan is implemented as a workflow).

27. As per claim 32, Macrae et al. further discloses a method wherein the attribute values for certain ones of said plurality of attributes is selectable from a collection of mutually exclusive choices (See again column 8, lines 11-22, wherein the value of the attribute strep test can only come back positive or negative).

28. As per claim 33, Macrae et al. further discloses a method wherein the attribute for certain ones of said plurality of attribute is a date (See column 14, lines 51-54, in which Macrae et al. discusses the implementation of ongoing order structured nodes. See column 14, lines 63-67,

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and column 15, line 1, wherein Macrae et al. discloses that the ongoing order has attributes such as start date or repetition date).

29. As per claim 34, Macrae et al. further discloses a method wherein the attribute for certain ones of said plurality of attributes is a dosage (See column 14, lines 51-54, in which Macrae et al. discusses the implementation of ongoing order structured nodes. See column 15, lines 9-15, in which Macrae et al. discloses that the ongoing order indicates medication to be given with a care plan at a specified speed and dosage).

30. As per claim 35, Macrae et al. further discloses a method wherein the service plan is a care plan, the customer is a patient, the plurality of possible customer needs are health related problems, and the specific need of the particular customer is a health related problem of the particular customer (See column 7, lines 16-19, and column 8, lines 4-22. Macrae et al. discloses a workflow care plan in the form of a medical treatment structured sentence and provides a specific Clinical Template example, teaching a simple workflow for treating a patient with a sore throat).

31. As per claim 36, Macrae et al. discloses a method further including the step of initiating the workflow, the step of initiating the workflow being caused by a user verifying the accuracy of the service plan (See column 17, lines 24-29, wherein Macrae et al. discusses assigning a template to a patient and executing said template. At the time of assignment, the plan of the template may have already been tailored to meet the needs of the patient, or modification can occur before or during execution).

32. As per claim 37, Macrae et al. further discloses a method wherein during the step of providing a plurality of structured sentence data items is accomplished by a generic metadata

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supplier that transmits the data to a service provider user, and the service provider user performs the steps of selecting (See column 7, lines 34-35 and 63-67, and column 8, lines 1-3 and 24-29, wherein Macrae et al. discusses libraries containing generic order node component items and generic templates, which are accessed by the user and modified to meet the specific needs of said user and his/her patient).

33. As per claim 38, Macrae et al. discloses a method further including the step of the service provider adding structured sentence data items to the plurality of structured sentence data items previously provide by the generic metadata supplier (See column 21, lines 8-12, in which Macrae et al. discloses a user modifying a generic service plan template by adding order structured nodes that contain attributes to the user's treatment needs).

34. As per claim 39, Macrae et al. discloses a method further including the step of the service provider modifying certain ones of the selected structured sentence data items from the structured sentence data items previously provided by a generic metadata supplier (See at least column 21, lines 8-12, in which Macrae et al. discloses a user modifying a generic service plan template by adding, deleting, or modifying order structured nodes that contain attributes to the user's treatment needs).

35. As per claims 41-48, 51-53, 55, and 61-65, claims 41-48, 51-53, 55, and 61-65 are apparatus versions of claims 1-8, 11-13, 15, and 21-25, respectively. Since the specification provides nothing more than a software device running in a network computing environment utilizing standard computers, claims 41-48, 51-53, 55, and 61-65 are rejected on the same grounds as the methods of claims 1-8, 11-13, 15, and 21-25, respectively.

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36. As per claim 66, Macrae et al. teaches a method wherein the step of updating the status information for the service plan includes modifying an attribute contained in one of the structured sentences (See column 11, lines 15-33, and column 22, lines 50-67, wherein an attribute value is changed regarding the structured sentence to clarify based on the merging of more structured sentences to the plan).

37. As per claim 67, Macrae et al. discloses a method wherein the step of updating the status information for the service plan includes adding another structured sentence relating to services (See column 22, lines 28-44, in which Macrae et al. discusses the situation where another service plan must be invoked for a patient while another is already running, such as the situation of a pregnant woman, who is utilizing the pregnancy template, getting a sore throat midterm and needing other services. In a case such as this, other structured sentences relating to services are added to the service plan).

38. As per claim 68, Macrae et al. teaches a method wherein the plurality of structured sentence data items in at least one of said first and second templates include a group of structured sentence data items that are associated with a customer need (See Figures 2, 6, and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6, 29-35, and 56-67, column 8, lines 1-22 and 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40, which disclose structured sentences and structured sentence data items, and wherein these structured sentence data items represent needs of the patient).

39. As per claim 71, Macrae et al. teaches a method wherein the step of selecting the those structured sentence data items includes the steps of:

visually displaying certain ones of the structured sentence data items on a screen of a display (See at least figures 2 and 12, which shows structured sentence data items. The user can build a structured sentence using these structured sentence data items); and

creating one structured sentence corresponding to the specific need of the particular customer by selecting one of the displayed certain ones of the structured sentence data items (See Figures 2 and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40. Macrae et al. discloses creating a plurality of structured sentences that encompass the needs of a particular customer, each structured sentence being able to merge with the other structured sentences. These implementable plans are formed and customized in the display window. Order nodes that represent “order items” that define a list of activities that take place when the workflow of the structured sentence is implemented. As is, the structured sentence is just a defined entity on the display).

40. As per claim 72, Macrae et al. discloses a method wherein the certain ones of the structured sentence data items displayed on the screen resemble a substantially grammatically correct phrase (See figure 2, which displays the substantially grammatically correct phrase “Strep?” on the screen).

41. As per claim 73, Macrae et al. teaches a method wherein:

the step of visually displaying includes the step of visually displaying attributes of one of the certain ones of the structured sentence data items (See at least figures 2, 12, 15, 26, 35, 39, and 41, column 7, lines 29-42, and column 13, lines 25-35, wherein the attributes of certain ones

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of the structures sentence data items are displayed, and when implemented as a workflow, can be assigned values); and

the step of creating the one structured sentence corresponding to the specific need of the particular customer includes selecting a selected value obtained from one of the attributes (See column 7, lines 33-37, which describe the subject and attributes contained in the structured order nodes of the workflow. A determination concerning the value of an attribute contained in a structured order node is made, for example see column 8, lines 11-22, wherein the attribute step test is determined to have a positive or negative value, and the route taken in the plan is based on these values when the plan is implemented as a workflow).

42. As per claim 74, Macrae et al. discloses a method wherein the step of creating further includes creating one workflow instance that corresponds to the one structured sentence (See column 7, lines 16-19, 29-35, and 56-62, in which Macrae et al. teaches the steps of implementing the workflow. A chart view shows the status of the running created workflow. When an order node is hit, a technician or lab person must run the physical order workflow instance and enter information into the system so the workflow can proceed. Each instance in the workflow process is represented by a node and each order node represents a needed service and has associated attributes).

43. As per claim 75, Macrae et al. teaches a method further including the step of displaying the one structured sentence on the screen of the display after the step of creating the one structured sentence corresponding to the specific need of the particular customer (See at least figure 3, wherein the one structured sentence is displayed after creating the structured sentence in association with a specific patient, for example John Sanders).

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44. As per claim 76, Macrae et al. discloses a method wherein the one structured sentence displayed on the screen resembles a substantially grammatically correct phrase (See figure 2, which displays the substantially grammatically correct phrase "Strep?" on the screen).

45. As per claim 77, Macrae et al. discloses a method wherein the one structured sentence displayed on the screen contains information obtained from a subject of the selected one of the displayed certain ones of the structured sentence data items and a selected value corresponding to an attribute associated with the selected one of the displayed certain ones of the structured sentence data items (See at least figures 2 and 12, column 7, lines 29-42, and column 13, lines 25-35, wherein one entire structured sentence is displayed on the screen composed of structured sentence data items. Information obtained from the subject of one structured sentence data item and an attribute value, this information then used to branch to the next structured sentence data item, for example).

Claim Rejections - 35 USC § 103

46. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

47. Claims 9-10, 17-20, 40, 49-50, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al. (U.S. 5,826,237) in view of Brown (U.S. 6,161,095).

48. Claims 14, 16, 54, 56, 69, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al. (U.S. 5,826,237).

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49. As per claims 9 and 10, teaches a method further including the step of electronically inputting answers to questions, and wherein the electronically input answers to questions also causes a change to the sequence of tasks invoked within the at least one of the workflow process instances (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the question “strep?” based on the lab results, this result changing the sequence of tasks invoked in the workflow instances). However, Macrae et al. does not expressly disclose that the answers to the question of the workflow process are, as per claim 9, entered by the customer or, as per claim 10, remotely input by the customer and transmitted via the internet.

Brown discloses:

i. As per claim 9, the answers to questions being input by the customer (See figures 2, 3, 6, and 9, and column 3, lines 35-42 and 59-67, wherein the patient enters information into the interface of the computer and this data is sent to the computer of the doctor/clinic).

ii. As per claim 10, the answers to questions being remotely input by the customer and transmitted via the internet (See figures 2, 3, 6, and 9, and column 3, lines 35-42 and 59-67, and column 10, lines 47-50, wherein the patient enters information into the interface of the computer and this data is sent to the computer of the doctor/clinic via a communications network).

Both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan (See column 14, lines 51-67, and column 15, lines 1-5 and 19-

22). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the customer (patient) input answers to questions into the tool of the clinic/doctor, both locally and remotely, in order to increase the accuracy of the tool by allowing it to extract the exact data it needs as well as increase the user friendliness of the tool by allowing the patient to have access to medical information at a remote location.

50. As per claim 17, Macrae et al. discloses a method that creates an electronic workflow, said workflow containing order nodes with actions to be performed and the ability to see the status of the action (See column 7, lines 20-37, and column 10, lines 35-60). However, Macrae et al does not expressly disclose creating alerts to signify that an action needs to be taken.

Brown et al. does disclose a method wherein the step of creating the electronic workflow includes creating an alert that will signify that an action needs to be taken (See column 4, lines 43-51, wherein Brown discusses a service provider creating a treatment regimen and a protocol to be followed by a patient device, said regimen and protocol being sent via a network to a server device and then to a patient device. See column 5, lines 3-14, in which Brown discusses performing an act based on an alert message issued as a reminder to a patient. The actions to be performed are dictated by a treatment regimen determined at another device and transferred, via a network, to the patient's device).

Both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan (See column 14, lines 51-67, and column 15, lines 1-5 and 19-22). It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to equip the electronic workflow of Macrae et al. with the means to alert when an action needs to be taken in order to reduce errors and the amount of time consumed by the medical plan by providing signals to alert a user that a specified action needs to be taken, as dictated by the template/workflow.

51. As per claims 18, 19, and 20, Macrae et al. discloses a method of generating a service plan further including the step of automatically generating a translation of the service plan and exporting the patient plan data to other applications (See Figures 14 and 15 and column 10, lines 37-51, wherein Macrae et al. teaches displaying the result node content, which is a summarized list of the status of the orders of the workflow. See also figure 41 and column 21, lines 44-67 and column 22, lines 1-27, which disclose translating the information of the workflow into a more readable sheet and exporting this information to an outside application). However, Macrae et al. does not expressly disclose, as per claim 18, transmitting the translation of the service plan to the customer or, as per claim 19, revising the translation prior to the transmitting, or, as per claim 20, transmitting the translation to a remote computer.

Brown discloses a method further including the steps of:

- i. As per claim 18, transmitting a translation of the service plan to the customer (See figures 2, 3, and 9, and column 4, lines 43-51, wherein the treatment regimen is transmitted from the doctor to the patient via the network).
- ii. As per claim 19, revising a translation prior to the transmitting (See column 5, lines 61-67, which discusses editing the treatment plan at the service device and then transmitting the new plan to the patient device).

iii. As per claim 20, transmitting to a remote customer computer (See figures 2, 3, and 9, and column 3, lines 35-42 and 59-67, column 5, lines 1-3, column 6, lines 29-43, and column 10, lines 47-50, wherein the data is sent to the computer of the customer via a communications network).

Both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan (See column 14, lines 51-67, and column 15, lines 1-5 and 19-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the translated workflow information to the customer (patient), both locally and remotely, in order to increase the customer friendliness and the flexibility of the tool by allowing the patient to have access to their medical information in an comprehensible and understandable format at both local and remote locations.

52. As per claim 40, Macrae et al. discloses a method of automatically generating the data needed to inform the process of updating metadata, including structured sentence data items and associated generic workflow process specifications that are adapted for the creation and execution of service plans for nonparticular customers, said plurality of structured sentence data items including structured sentence data items for services, each structured sentence data item for service identifying a possible needed service corresponding to possible customer needs, said associated workflow process specification capable of assisting completion of each needed service (See Figure 12. See also column 7, lines 34-35, column 9, lines 55-70, and column 10, lines 1-10. Macrae et al. discloses a library containing hierarchical folders. For example, if the

service of strep throat culture is needed by a customer, the Labs category would be opened, which contains different types of labs and their different services). However, Macrae et al. does not expressly disclose including alerts that occur to signify that an action needs to be taken.

Brown discloses a method that includes alerts that occur to signify that an action needs to be taken, the method comprising the steps of:

obtaining dismissed alerts associated with existing service plans that include correspondence of certain ones of said structured sentences, said dismissed alerts being designated as one of an appropriate alert and an inappropriate alert (See figures 2, 4, 5, and 10, and column 13, lines 1-11, 24-28, and 4-49, which discuss obtaining information about dismissed alerts to take medication as prescribed);

grouping related inappropriate alerts (See figures 2, 4, 5, and 10, and column 13, lines 1-11, 24-28, and 4-49, and column 15, lines 10-15, and column 16, lines 28-39 and 40-50, which discusses grouping and analyzing the inappropriately dismissed alerts); and

determining revised generic workflow process specifications based upon the grouping of inappropriate alerts (See figures 2, 4, 5, and 10, and column 13, lines 1-11, 24-28, and 4-49, and column 15, lines 10-15, and column 16, lines 28-39 and 40-65, wherein the workflow and the plan is edited based on the missed alerts and doses).

Both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan (See column 14, lines 51-67, and column 15, lines 1-5 and 19-22). It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to equip the electronic workflow of Macrae et al. with an alert system in order to increase the effectiveness of the medical tool by reminding the patient of the appropriate actions that need to be taken to comply with the medical plan and, based on the compliance or noncompliance of the patient, tailoring the procedure to better meet the needs of the patient.

53. As per claims 49-50 and 57-60, claims 49-50 and 57-60 are apparatus versions of claims 9-10 and 17-20, respectively. Since the specification provides nothing more than a software device running in a network computing environment utilizing standard computers, claims 49-50 and 57-60 are rejected on the same grounds and motivations as the methods of claims 9-10 and 17-20, respectively.

54. As per claim 14, Macrae et al. further discloses a method wherein the step of executing a workflow process instance includes the step of invoking and executing preexisting query data items, thereby causing workflow relevant data to be created or modified, said data items containing metadata that maps the response options in a question or structured sentence item to the decision step, thereby creating a single data value used in a decision step, task firing condition or routing rule as part of the execution of said workflow process instance as well as metadata that defines how the workflow instances map to the test results (See figures 2 and 6, and column 2, lines 38-43, column 7, lines 43-50, and column 8, lines 5-22, which disclose inputting the answer to the query "strep?" based on the lab results. The results are considered workflow relevant data for workflow process instances. See Figure 2 which discloses the workflow dealing with step throat. The workflow data directs the continuation of the workflow based on a decision step/routing rule. See column 13, lines 26-30, which discloses routing

rules). However, Macrae et al. does not expressly disclose that this relevant workflow data maps to all places in the workflow to which it applies.

Macrae et al. teaches the generation of workflow relevant data based on occurrences like test results or the taking of vital statistics. It would have been obvious to one of ordinary skill in the art at the time of the invention to map the relevant workflow data to all places in the workflow that it applies in order to increase the consistency of the data as well as the efficiency of process by obtaining one accurate set of data and then applying it throughout the workflow.

55. As per claim 16, Macrae et al. further discloses a method wherein an interdisciplinary team of clinicians create the generic healthcare plans applicable to the patients and the step of creating the plurality of structured sentences that represents steps of a generic healthcare plan template (See column 1, lines 13-20, which discusses the generic healthcare plans being created by physicians, clinicians, committee members, and an interdisciplinary team. See column 7, lines 17-20, 29-37, and 53-65, which discusses the building of structured sentence models that represent steps of generic healthcare plan templates). However, Macae et al. does not expressly disclose the interdisciplinary team of clinicians creating the plurality of structured sentences.

It is old and well known that interdisciplinary teams of clinicians, physicians, and committee members create the acceptable medical procedures that are used by the medical community. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the interdisciplinary team of clinicians, physicians, and committee members of Macrae et al. build the structured sentences in order to create the most accurate and effective structured sentence protocols for the tool so that patients treated using said tool get the best medical attention.

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56. As per claim 69, Macrae et al. further discloses a method wherein an interdisciplinary team of clinicians create the generic healthcare plans applicable to the patients or the step of creating the plurality of structured sentences that represents steps of a generic healthcare plan template (See column 1, lines 13-20, which discusses the generic healthcare plans being created by physicians, clinicians, committee members, and an interdisciplinary team. See column 7, lines 17-20, 29-37, and 53-65, which discusses the building of structured sentence models that represent steps of generic healthcare plan templates). However, Macae et al. does not expressly disclose the interdisciplinary team of clinicians creating the plurality of structured sentences or that this team reviews drafts of the structured sentences after they are created.

It is old and well known that interdisciplinary teams of clinicians, physicians, and committee members create the acceptable medical procedures that are used by the medical community. It is also old and well known that hospitals in America have overseeing boards that manage the doctors of the medical facility. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the interdisciplinary team of clinicians, physicians, and committee members of Macrae et al. build and review the structured sentences in order to create the most accurate and effective structured sentence protocols for the tool so that patients treated using said tool get the best medical attention.

57. As per claims 54, 56, and 70, claims 54, 56, and 70 are apparatus versions of claims 14, 16, and 69. Since the specification provides nothing more than a software device running in a network computing environment utilizing standard computers, claims 54, 56, and 70 are rejected on the same grounds and motivations as the method of claims 14, 16, and 69.

Response to Arguments

58. New grounds for the art rejections have been established above in some instances, as necessitated by amendment.

59. Before addressing each of the Applicant's arguments, Examiner would first like to point out that Applicant has used a lot of terms that have meaning in the art or imply that they are related to Object Oriented Program (OOP) and specific technology used for implementing in computer readable mediums. Applicant, in both the Interview of June 02, 2003 and in the response on page 15, has stated that the terminology used in the claims is not intended to refer to either OOP or specific technologys. Examiner points out that where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). For example, the terms "instances", "attributes", "structured sentences", and the like used in the claims and, based on the Applicant's assertion that these are not terms in the art, it is unclear from the specification as to what these terms and other computer related terms are supposed to mean by the Applicant. Examiner suggests clearly defining the terms in the claims in order to allow these terms to be afforded the proper patentable weight. Examiner has examined the terms using their broadest reasonable interpretation.

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60. Applicant's arguments with regards to the rejections based on Macrae et al. (U.S. 5,826,237) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Macrae et al. does not teach or suggest metadata in form of "structured sentence data items" comprised of subject term and one or more attribute terms that permits a user to specify different attributes appropriate for different subject terms and define structured sentences for goals, facts, and other concepts of the service plan, but instead teaches metadata for services taking the form of a library of orderable services that do not have attributes that can be defined by the user and are not used to represent goals, facts, or anything else other than orderable services, (2) Macrae et al. does not teach or suggest organizing metadata for services or templates that each have different structured sentence data items by customer needs, but rather by departments, (3) Macrae et al. does not teach structured sentences that are distinct from the workflow and workflow instances, (4) in the pending application structured sentences are not in a library, but are associated with a particular customer in a service plan, (5) Macrae et al. does not teach or suggest automatically updating a predetermined plurality of existing plans (claim 26), (6) Macrae et al. does not teach or suggest that selecting structured sentence data items also cause the selection of workflow instances that assist in the completion of each needed service, thereby showing that the selection of each structured sentence data item will cause the selection of a different workflow instance, (7) Macrae et al. does not teach or suggest providing a service plan in one form to a user and in another form to a customer, (8) Macrae et al. does not teach or suggest using the workflow automation process to distribute a draft of a structured sentence to an interdisciplinary team, and (9) Macrae et al. does not teach or suggest other structured sentences

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not related to services being added or any structured sentences independent of the workflow for any of a goal fact, protocol, or finding, as required by claims 21 and 61.

In response to argument (1) of the Applicant Macrae et al. does not teach or suggest structured sentences for a goal, fact, protocol, or finding, the Examiner respectfully disagrees and asserts that Macrae et al. discloses this limitation when it discusses that the outcome of the protocol of a structured sentence would be a finding. Such is the example of the structured sentence representing a procedure for a strep test and the finding of this procedure being the outcome of a virus or of strep throat, as shown in the structured sentence of the template in column 8, lines 5-19 and 23-29

In response to argument (2) of the Applicant, Examiner respectfully disagrees. Macrae et al. discloses that services are organized into categories, the categories organized by department, as stated in column 9, sections 55-67, and column 10, lines 1-10. Therefore, the metadata and generic templates for service are organized according to items like allergies, labs, and diet, for example, which are services to the customer. These categories are then broken down into the department supplying the service, such as "bacteriology" is a department which supplies a lab service.

In response to argument (3) of the Applicant, Examiner respectfully disagrees. Macrae et al. discloses this distinctness when stating that the structured sentences are built as a template and assigned to a particular patient as a plan whereas the workflow is when the structured sentence is actually implemented and physically occurring (i.e. after the structured sentence has been merged with other structured sentences to form a health care plan and assigned to a patient, the static plan is run in the real world environment as a workflow with clinicians and lab

technicians actually performing the steps at specific times and entering the results into the system). Each order node, for example, becomes an instance of the workflow that has its own specific steps associated with it and implementable (i.e. workflow instance). Examiner points out that the structured sentence is merely a model, and that a workflow is the real world implementation of the structured sentence. See Figures 2 and 12. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40.

In response to argument (4) of the Applicant, Examiner respectfully disagrees. The structured sentences of Macrae et al. are initially stored in a library so that the generic template portions may be reusable for multiple patients. These portions are pulled from the library, modified for a specific patients needs, and then stored in association with the specific patient. See Figures 2, 12, and 32. See also column 2, lines 36-45 and 59-67, column 6, lines 5-16 and 45-60, column 7, lines 1-6 and 29-35, column 8, lines 50-60, column 9, lines 55-70, column 10, lines 1-10, column 17, lines 24-30, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40. Therefore, the library aspect is merely a means to efficiently build structured sentences in the workspace.

In response to argument (5) of the Applicant, Examiner respectfully disagrees. Macrae et al. uses the automated computer means to take the stored and reusable portions of the structured sentences, modify these plans, and store the changes in the system. See at least column 7, lines 54-67, and column 8, lines 1-3, column 17, lines 24-29, and column 21, lines 8-11.

In response to argument (6) of the Applicant, Examiner respectfully disagrees. As explained in response to argument (3), Macrae et al. discloses building a static structured sentence with structured sentence data items that contain the plans of what is to occur and when the structured sentence is actually implemented, a workflow occurs with workflow instances. Each order node, for example, becomes a instance of the workflow that has its own specific steps associated with it that are implementable. Therefore, the specific structured sentence data items selected to build the structured sentence plan directly cause the selection of the workflow instances.

In response to argument (7) of the Applicant, Examiner reminds the Applicant that the claims contain the limitations “wherein updates are provided to a user of the service plan in one form and updates are provided to the customer in another form”. Examiner asserts that Macrae et al. does teach and suggest updates being provided to a user in one form and the customer in another form in at least figures 14, 15, and 41, column 10, lines 37-51, column 21, lines 44-67, and column 22, lines 1-21, wherein Macrae et al. teaches displaying updates to the user of the tool (such as the doctor implementing the overall plan), which is a summarized list of the status of the orders of the workflow and translating the information of the workflow into a more readable sheet and exporting this patient plan data to an outside application for other users/customers.

In response to argument (8) of the Applicant, Examiner reminds the Applicant that claims containing this subject matter were rejected under 35 USC § 103. Examiner asserted that Macrae et al. disclosed an interdisciplinary team of clinicians creating the generic healthcare plans applicable to the patients or the step of creating the plurality of structured sentences that

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represents steps of a generic healthcare plan template in at least column 1, lines 13-20 and column 7, lines 17-20, 29-37, and 53-65. Examiner also stated that it is old and well known that interdisciplinary teams of clinicians, physicians, and committee members create the acceptable medical procedures that are used by the medical community and that hospitals have overseeing boards that manage the doctors of the medical facility. Examiner asserted under 35 USC § 103 that it would have been obvious to one of ordinary skill in the art at the time of the invention to have the interdisciplinary team of clinicians, physicians, and committee members of Macrae et al. build and review the structured sentences in order to create the most accurate and effective structured sentence protocols for the tool. Examiner maintains this rejection.

In response to argument (9) of the Applicant, Examiner points out that claim 21 and 61 specifically recite “the step of creating other structured sentences, said other structured sentences including structured sentences for a goal, a fact, a protocol, and a finding”. Therefore, since the term “other” is very broad, the limitations of these claims do not require the other structured sentences being not related to services being added or any structured sentences independent of the workflow. Therefore, Examiner maintains that Macrae et al. discloses this limitation in at least the abstract, column 8, lines 23-29, column 13, lines 29-31, column 18, lines 20-25, column 21, lines 8-12, and column 22, lines 30-40.

61. Applicant’s arguments with regards to the § 103 rejections based on Macrae et al. (U.S. 5,826,237) and Brown (U.S. 6,161,095) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (10) the combination of the ‘237 and the ‘095 would not be

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attempted by one of ordinary skill in the art, and (11) Brown does not teach or suggest the alerts of claim 40.

In response to argument (10) of the Applicant, the Examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Macrae et al. and Brown disclose computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Furthermore, Macrae et al. discloses using its tool to medicate a patient during a treatment plan, as stated in column 14, lines 51-67, and column 15, lines 1-5 and 19-22. Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to attempt the combination of methodologies.

In response to argument (11) of the Applicant, Examiner disagrees and asserts that Brown discloses a computer implemented patient care tools wherein data entered about the patient causes the workflow/medical plan to enact the appropriate workflow/medical plan instances. Brown specifically teaches obtaining dismissed alerts associated with existing service plans, the dismissed alerts being designated as one of an appropriate alert and an inappropriate alert in at least figures 2, 4, 5, and 10, and column 13, lines 1-11, 24-28, and 4-49, which discuss obtaining information about dismissed alerts to take medication as prescribed. Brown also teaches grouping related inappropriate alerts in at least figures 2, 4, 5, and 10, and column 13, lines 1-11,

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24-28, and 4-49, and column 15, lines 10-15, and column 16, lines 28-39 and 40-50, which discusses grouping and analyzing the inappropriately dismissed alerts. Finally, Brown discusses determining revised generic workflow process specifications in at least figures 2, 4, 5, and 10, and column 13, lines 1-11, 24-28, and 4-49, and column 15, lines 10-15, and column 16, lines 28-39 and 40-65, wherein the workflow and the plan is edited based on the missed alerts and doses.

Conclusion

62. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logician (medicallogic.com) discloses an automated system for managing medical workflows using templates and databases.

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Purkinje, Inc. (www.purkinje.com) also discloses an automated system for managing medical workflows using templates and databases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd
bvd

August 23, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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